



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, May 28 2013, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	July 30, 2013

MEETING MINUTES

MEMBERS PRESENT

Chad Chandler, Professional Member, President
Bill Torbert, Professional Member
S. Keith Parsell, Professional Member
Danna Levy, Public Member
Mary Byrd, Public Member

MEMBERS ABSENT

Harry Fletcher, Professional Member, Secretary
Marceline Knox, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Kevin Maloney, Deputy Attorney General
LaToya Stephens, Board Liaison

OTHERS PRESENT

Kay Warren, Deputy Director

CALL TO ORDER

Mr. Chandler called the meeting to order at 10:12 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the March 26, 2013 meeting. Mr. Fletcher made a motion, seconded by Ms. Byrd, to approve the minutes as presented. The motion carried unanimously.

UNFINISHED BUSINESS

FUNERAL ESTABLISHMENT INSPECTIONS – SUBMIT BILL NEXT LEGISLATIVE SESSION (NO UPDATE)

Ms. Warren stated that she spoke with Mr. Chandler last month concerning the Bill. Ms. Warren stated that they want to defer the Bill until next session and that there are a few things that the Board should be prepared to do such as the Board's accomplishments, review of the statute and regulations. She said she would like to request that the Board defer the Sunset Bill until the next session.

Ms. Byrd stated that she does not know what the Sunset Committee did in the past and requested the information from Ms. Kay Warren. Ms. Warren said she would send out the prior recommendation to the Board

that the sunset committee recommended. Ms. Warren stated that she would draft a questionnaire for the Board. Ms. Warren stated that she would have the information to the Board before July 30, 2013.

2010-2012 CONTINUING EDUCATION AUDIT – STATUS OF DEFICIENT & FAILED AUDITS
None

NEW BUSINESS
RATIFICATION OF LICENSURE
None

REVIEW OF RESIDENT INTERN REPORTS
LaTanya Davis

Mr. Chandler made a motion, seconded by Ms. Levy, to accept Ms. Davis 1st Quarterly Progress Report. The motion carried unanimously.

REVIEW OF APPLICATIONS FOR LICENSURE
Robert Muratore - (Reciprocity)

After Board review, Ms. Byrd made a motion, seconded by Ms. Levy, to approve the licensure application request of Mr. Muratore. The motion passed unanimously.

Kirk Barrow - (Reciprocity)

After Board review, Ms. Byrd made a motion, seconded by Ms. Levy, to approve the licensure application request of Mr. Barrow. The motion passed unanimously.

Ryan Walsh - (Reciprocity)

After Board review, Ms. Byrd made a motion, seconded by Ms. Levy, to approve the licensure application request of Mr. Walsh. The motion passed unanimously.

LaTanya Davis - (Resident Internship)

After Board review, Ms. Byrd made a motion, seconded by Ms. Levy, to table the licensure application request of Ms. Davis for the next scheduled Board meeting. The motion passed unanimously.

Scott Clemens - (Resident Internship)

After Board review, Ms. Byrd made a motion, seconded by Ms. Levy, to approve the licensure application request of Mr. Clemens. The motion passed unanimously.

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL -None

COMPLAINT UPDATES AND CONSENT AGREEMENTS

COMPLAINT UPDATES

Complaint 27-15-12

Mr. Chandler reported that Complaint 27-15-12 was assigned to Mr. Torbert. Mr. Torbert stated that an Investigator has not contacted him yet.

Complaint 27-14-12

Mr. Chandler reported that Complaint 27-14-12 was assigned to Mr. Fletcher.

Complaint 27-13-12

Mr. Chandler reported that an Investigator has closed Complaint 27-13-12.

Complaint 27-12-12

Mr. Chandler reported that an Investigator has closed Complaint 27-12-12.

Complaint 27-11-12

Mr. Chandler stated that Complaint 27-11-12 was assigned to Mr. Fletcher and that the complaint was forwarded to the Attorney General's Office.

Complaint 27-07-12

Mr. Chandler stated that Complaint 27-07-12 was assigned to Mr. Fletcher and that the complaint was forwarded to the Attorney General's Office.

CONSENT AGREEMENTS

None

HEARING OFFICER RECOMMENDATIONS

Bennie Smith Complaint 27-05-10

Mr. Maloney stated the process for the hearing and asked the Board if they had any questions. The Board stated they did not have any questions.

Mr. Maloney gave an overview of Bennie Smith Hearing Officer Recommendations to bring the Board up to date on the complaint issue. Mr. Maloney then read the Respondent's response to the hearing officer's recommendation.

Mr. Chandler asked the Board if they understood the recommendations and the Board said they did. Mr. Parsell asked Mr. Maloney to state what the MD and VA disciplines were for Mr. Smith. Mr. Maloney stated the disciplines. Mr. Parsell suggested a reduction in the fine imposed by the Hearing Officer. The Board reviewed and discussed each penalty recommended by the Hearing Officer. After Board discussion, Mr. Parsell made a motion, seconded by Ms Levy, to strike the first recommendation for suspension of licensure for Mr. Smith, change the probation to 90 days, request 8 CEUs in the proposed course and pay a \$500 fine. Additionally, Mr. Smith needs to instruct and train his staff regarding what he learned with regard to his continuing education. Mr. Smith must attend the next three Board meetings and tell the Board how he instructed his staff. At the conclusion of the 90 days his suspension will be lifted. The motion carried unanimously.

CORRESPONDENCE

None

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Eco Cremation Information

Ms. Paquette gave a recap on this issue. The Board had no further discussion on this matter.

Delaware Cemeteries for Consumer Choice

Board discussed who the Board covers. Mr. Maloney stated that he will research and if he finds anything will bring to the next meeting.

Proposed Legislation

Mr. Chandler stated he attended a meeting with two other funeral directors and legislators to work on a bill that would affect embalming and receiving vault cremation procedures.

Sunset Review

Kay discussed this earlier in the meeting.

Miller Funeral Service

Board stated that Mr. Miller could come in and state his case or reapply, or file an appeal to Superior Court.

PUBLIC COMMENT

None

NEXT MEETING

The next Board meeting will be held on Tuesday, July 30, 2013, at 10:00 a.m. in Conference Room B located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Ms. Levy made a motion, seconded by Ms. Byrd, to adjourn the meeting at 12:09 p.m. The motion to adjourn carried unanimously.

Respectfully submitted,

LaToya Stephens
Board Liaison

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.